PTO/SB/65 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TION TO ACCEPT UNAVOIDABLY DEL NTENANCE FEE IN AN EXPIRED PATE	
NTENANCE FEE IN AN EXPIRED PATE	
Mail to: Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450 Fax: (571) 273-8300	B 2011
NOTE: If information or assistance is needed in (571) 272-3282.	this form, please contact Petitions Information at
Patent Number: 5,971,141	Application Number: 09/052,175
ssue Date: October 26, 1999	Filing Date: March 31, 1998
	ssue) and (2) the application number of the actual adding to issuance of that patent to ensure the fee(s)
Also complete the following information, if applicab	ole: 01/85/2812 DALLEN 00000010 59711全
The above-identified patent:	01 FC:1599 3865 00 OF
is a reissue of original Patent No.	original issue date
original application number	
original filing date	
resulted from the entry into the U.S. under 3	• •
CERTIFICATE OF MAILING	G OR TRANSMISSION (37 CFR 1.8(a))
I hereby certify that this paper (along with any paper re	• • • • • • • • • • • • • • • • • • • •
(1) being deposited with the United States Postal Serv	rice on the date shown below with sufficient postage as first class commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-
(2) transmitted by facsimile on the date shown below to 8300.	o the United States Patent and Trademark Office at (571) 273-
December 24, 2011	1 de atrulia T
Date	Signature
Date .	
	Dennis H. Lambert

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

 SMALL ENTITY								
	NOT Small Entity		Small Entity					
	Amount Fee	(Code)	Amount Fee	(Code)				
	\$ 3 ½ yr fee	(1551)	\$ 3 ½ yr fee	(2551)				
	\$ 7 ½ yr fee	(1552)	7 ½ yr fee	(2552)				
√	\$ 11 ½ yr fee	(1553)	\$ 2,365 11 ½ yr fee	(2553)				
		,	MAINTENANCE FEE BEING SUBMITT	ED \$ 2,365				
5. M	 4. SURCHARGE The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee. SURCHARGE FEE BEING SUBMITTED \$ 700 5. MANNER OF PAYMENT ✓ Enclosed is a check for the sum of \$ 3,065 (Please charge Deposit Account No. (Please charge Deposit Account No. (Please charge Deposit Card. Form PTO-2038 is attached.) 							
6. A	JTHORIZATION TO CHARGE AN The Director is hereby authorize Deposit Account No.	ed to charge any r	NCY naintenance fee, surcharge or petition f	ee deficiency to				

PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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7. OVERPAYMENT	
As to any overpayment made, please	
Credit to Deposit Account No.	
OR	
Send refund check	
, WARN	IING:
Petitioner/applicant is cautioned to avoid submitting personal inforcontribute to identity theft. Personal information such as social senumbers (other than a check or credit card authorization form PT the USPTO to support a petition or an application. If this type of pUSPTO, petitioners/applicants should consider redacting such pertore the USPTO. Petitioner/applicant is advised that the record of a the application (unless a non-publication request in compliance we a patent. Furthermore, the record from an abandoned application referenced in a published application or an issued patent (see 37 2038 submitted for payment purposes are not retained in the application.)	ecurity numbers, bank account numbers, or credit card O-2038 submitted for payment purposes) is never required by personal information is included in documents submitted to the ersonal information from the documents before submitting them a patent application is available to the public after publication of with 37 CFR 1.213(a) is made in the application) or issuance of a may also be available to the public if the application is CFR 1.14). Checks and credit card authorization forms PTO-
8. SHOWING	
The enclosed statement will show that the delay in timely since reasonable care was taken to ensure that the main petition is being filed promptly after the patentee was not expiration of the patent. The statement must enumerate maintenance fee, the date and the manner in which the patent, and the steps taken to file the petition promptly.	ntenance fee would be paid timely and that this tified of, or otherwise became aware of, the the steps taken to ensure timely payment of the
9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYME PATENT REINSTATED	ENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE
Baretulent	December 24, 2011
Signature(s) of Petitioner(s)	Date
Dennis H. Lambert	25017
Typed or printed name(s)	Registration Number, if applicable
7000 View Park Drive	(703) 451-1227
Address	Telephone Number
Burke, VA 22015	
Address	
ENCLOSURES:	
✓ Maintenance Fee Payment	
Statement why maintenance fee was not paid timely	
Surcharge under 37 CFR 1.20(i)(1) (fee for filing the mai	intenance fee petition)
Documentary evidence snowing reasonable	e steps were taken to ensure timely payment.

PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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37 CFR 1.378(d) states: "Any petition under this section must be registered to practice before the Patent and Trademark Office, other party in interest."	e signed by an attorney or agent or by the patentee, the assignee, or
Don Fulut	December 24, 2011
Signature	Date
Dennis H. Lambert	25017
Type or printed name	Registration Number, if applicable
STATEMENT (In the space below, please provide the showing of unavoidable	delay recited in paragraph 8 above.)
i I	
Please see attached.	
(Please attach additional sheets if additional	space is needed)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 56733

Aasef Shafik

Patent No.

5,971,141

Issued

October 26, 1999

Patent Appln. Ser. No. 09/052,175

Filed

March 31, 1998

Title

TOILET ACCESSORY KIT

STATEMENT OF CHRISTINE A. LAMBERT IN SUPPORT OF PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313

SIR:

I, Christine A. Lambert, am administrative assistant to petitioner herein and in that capacity I am responsible for keeping the docket and preparing documents for filing at the US Patent and Trademark Office.

I maintain both a computerized docket and a manual docket and I entered the due dates for the maintenance fees in this patent in both docket systems as shown by the attached relevant pages from those dockets. The third and final maintenance fee for this patent was due on October 26, 2011. On October 25, 2011, I prepared the necessary documents and submitted payment of the maintenance fee plus a \$65 surcharge for payment within the six-month grace period.

I print out the Patent Office fee schedules when they change and refer to the printed schedules when necessary. In the course of preparing the papers for paying the maintenance fee in this patent I referred to a printed schedule of Patent Office fees. Unfortunately, rather than the new fee schedule which had recently become available, I inadvertently picked up and used the previous fee schedule. Unfortunately, the new printed fee schedule required a larger maintenance fee payment than required in the old fee schedule. As a result, the amount of the payment I made on October 25th was insufficient.

I realized my error on October 26th and phoned the Office of Finance, who told me we would be sent a notice of insufficient payment and given an opportunity to pay the deficiency. On November 4, 2011, I received a Notice of Non-Acceptance of Patent Maintenance Fee, with no opportunity to pay the deficiency. I now realize that the short payment resulted in expiration of the patent and the Office of

Finance did not have the ability to permit me to pay the deficiency without expiration of the patent. Upon receipt of the Notice of Non-Acceptance I immediately began gathering information and material to use in connection with the petition to accept the unavoidably delayed payment of the maintenance fee.

Respectfully submitted,

Christine h Lambert

Christine A. Lambert



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 56733

Patentee

Aasef Shafik

Patent No.

5,971,141

Issued

October 26, 1999

Patent Appln. Ser. No.

Filed

09/052,175 March 31, 1998

TVICE TVICE OF

Title

TOILET ACCESSORY KIT

<u>PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF</u> <u>MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))</u>

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313

SIR:

Petitioner requests acceptance of the accompanying payment of the third and final maintenance fee due in this patent and reinstatement of the patent. The third and final maintenance fee payment in this patent was due October 26, 2011, in the amount of \$2,055 plus a \$65 surcharge for payment within the six-month grace period. This payment was made on October 25, 2011, but the correct amount of the maintenance fee was \$2,365. The correct maintenance fee payment in the amount of \$2,365 and the surcharge fee of \$700 pursuant to 37 CFR 1.378 are enclosed. The payment of \$2,120 has been refunded.

Petitioner submits that in spite of reasonable care on behalf of the patentee, and taking reasonable steps to ensure timely payment, the correct maintenance fee was unavoidably not paid and this patent expired as a result. In this regard, petitioner did timely submit payment of the third and last maintenance fee in this patent, but the amount of the fee paid was insufficient. The patent had expired by the time petitioner learned that an insufficient fee had been paid.

Petitioner keeps both a computerized docket and a manual docket and the due dates for the maintenance fees in this patent were entered in both docket systems. Payment for the third and final maintenance fee for this patent was made within the statutory period, but the person making the payment inadvertently picked up and relied upon an incorrect Patent Office fee schedule that had recently been replaced by a new fee schedule requiring a larger maintenance fee than required in the old fee schedule. Accordingly, the amount of the fee paid was

insufficient. In this regard, it is noted that the new fee schedule had been printed and was available but the old schedule was picked up in error. Petitioner submits that this error is comparable to an error in a docketing system that, as noted in MPEP 2590(I), could possibly result in a finding that a delay in payment was unavoidable if it is shown that reasonable care was exercised in designing and operating the system and that the patentee took reasonable steps to ensure that the patent was entered into the system to ensure timely payment of the maintenance fees – which clearly was done in this case.

Attached are copies of:

Relevant pages from petitioner's computerized and manual docket entries;

The maintenance fee transmittal form used to submit payment of the maintenance fee in October 2011;

The date-stamped card showing receipt of the payment by the Patent Office;

The PTO notice of non-acceptance of the maintenance fee;

Form PTO/SB/65.

Respectfully submitted,

Dennis H. Lambert

Petitioner and attorney for patentee



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DENNIS H. LAMBERT, ESQ. 7000 VIEW PARK DRIVE

Printed Name of USPTO Representative

PAP BURKE, VA 22015	November 1, 2011
2 8 2011 w	CE OF PATENT MAINTENANCE FEE
RECARDING PATENT NUMBER: 597114	1 PAYMENT STATUS:
Payment Amount Received: \$2,120.00 Payment Year11.5 (e.g., 3.5, 7.5, 11.5)	·
PAYMENT RECEIPT DATE 10/25/2011 (Mailroom Date Stamp	· 5
Your payment was not accepted for the followin	g reason(s):
 ☐ 1. The maintenance fee for the above-identified pater ☐ Information regarding the previous payment is st 	nt was previously paid on ated in item 8 below.
∑ 2. The patent expired on <u>10/26/2011</u> . See "Pate"	nt Expiration" section below.
for the above-identified patent on	Pursuant to 37 CFR 1.362(d), the payment window will open
patent. An additional amount of \$ is/v	ntenance fee and any required surcharge for the aboveidentified was required.
5. The above-identified patent was reissued. In accordance application number must be provided.	rdance with 37 CFR 1.366(d), the reissue patent number and reissue
6. The payment did not include corresponding patent	and application numbers, and was not specially accepted.
To my 1 14 4 Co. I was at it most subject to moint	tenance fees. No maintenance fees are due on utility patents filed a design patents or on plant patents. See 37 CFR 1.362(a) and (b). and "Patent Expiration" sections below do not apply.)
8. Other:	
Resubmitting Maintenance Fee Payment	
The six (6) month "grace period" for paying the mainter ends on In addition to the maintenance fee of the 6 month "grace period" is required to include a surch	nance fee for the above identified patent begins on and \$, a resubmitted payment filed in the USPTO during narge of \$ (See "Note" at the bottom of this Notice.)
To avoid patent expiration, the maintenance fee plus any all of the indicated reason(s) for payment non-acceptance	y required surcharge must be resubmitted in a manner that rectifies e and must be filed on or before the date the 6 month "grace ee, Maintenance Fee Branch at (571) 273-6500, or by mail to the tor of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450,
Patent Expiration	
amount for paying the maintenance fee is not filed in the	the expiration date of the above identified patent if the required USPTO by that date. See 37 CFR 1.362(g). Expired patents may granted. If the above identified patent has expired and reason rement non-acceptance, it is possible that the payment may be CFR 1.377, rather than 37 CFR 1.378.
If you have any questions regarding this Notice, contact the O Please ask for the individual who has signed below.	ffice of Finance, Maintenance Fee Branch at (571) 272-6500.
	Kien la em)
Kieu Tran (571) 272-6322 Printed Name of USPTO Representative	Signature of USPTO Representative

NOTE: All USPTO fees (including patent maintenance fees) are subject to change. If you are making a payment, visit the www.uspto.gov website or contact the Office of Finance to verify the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.

DEC 2 8 2011

THE PTO STATUR HEREON ACKNOWLEDGES RECEIPT OF:

Docket No.

: 56733

Applicant(s)

Aasef Shafik

Patent No.

Issued

5,971,141

: October 26, 1999

Patent Appln. Serial No.

Filed

: 09/052,175 :. March 31, 1998

Title

: TOILET ACCESORY KIT

Enclosures-

: Maintenance Fee Transmittal; check \$2,120.00

PLEASE DATE STAMP AND RETURN.

VENDOR ID: PTO

PAYEE: Commissioner of Patents

CHECK NO: 00006286

MEMO: Dkt.No. 56733

Received US Bank

OCT 2 8 2011

Gov't. LBX Operations

ACCOUNT

6000 PTO Fees

AMOUNT

DATE: 10/25/11

2,120.00

CHECK TOTAL:

****\$2,120.00

DENNIS H. LAMBERT

USE WITH 91552 ENVELOPE NEBS To Reorder: 1-800-225-6380 or www.nebs.com 6286

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. MAINTENANCE FEE TRANSMITTAL FORM (Do not submit this form electronically via EFS-Web) Address to: I hereby certify that this correspondence is being deposited with the United **Director of the United States** States Postal Service with sufficient postage as first class mail in an envelope Patent and Trademark Office addressed to "Director of the United States Patent and Trademark Office, Attn: Attn: Maintenance Fee Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314" 2051 Jamieson Avenue, Suite 300 October 25, 2011 Alexandria, VA 22314 DEC 2 8 2011 Christ **∭**\$ignature - OR yped or printed name Christine A. Lambert Fax to: 571-273-6500 Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s). A check for the amount of \$ 2120.00 for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed. Payment by credit card. Form PTO-2038 is enclosed. 2. The Director is hereby authorized to charge \$ ____ to cover the payment of the fee(s) indicated below 3. to Deposit Account No.__ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any 4. overpayment to Deposite Account No. * Information required by 37 CFR 1.366(c) (columns 1 & 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, & 5). Payment Year U.S. Application Maintenance Surcharge Patent Item (select one below) Amount Number* Number* Fee Amount Column 5 (37 CFR 1.20(h)) [e.g., 06/555,555] (37 CFR 1.20(e)-(g) 7.5 yrs 11.5 yrs Column 3 Column 4 3.5 yrs Column 1 Column 2 1 5,971,141 09/052.175 2055.00 65.00 2 3 4 5 2055.00 65.00 Subtotals: Columns 3 & 4 additional sheets attached for listing additional patents. \$2120.00 Total Payment WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038. Respectfully submitted, Customer's Signature V Dennis H. Lambert, Esq. Registration Number, if applicable: 25017 Customer's Name Telephone: (703) 451-1227 Fax: (703) 451-1297

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.

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MF75 →		10/26/1999	7	Years _	10/26/2006	04/26/2006	8	Years _	10/26/2007	04/25/2007	Drop dead date
MF115 →	Maintenance Fee (11 1/2 years)	10/26/1999	11	Years _	10/26/2010	04/26/2011	12	Years _	10/26/2011	10/26/2011	Drop dead date
MFS _	Receipt of Maintenance Fee Statement	05/03/2007		-				-			
RAP ▼	Receipt of Acknowledgment Postcard	04 <i>1</i> 30/2007		-				•			
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Aasel (Joseph) Shafik					*					
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SDAY	WEDNESDAY	THURSDAY	FRIDAY -	SATURDAY
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